



U.S. Department of Justice

Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS  
425 Eye Street N.W.  
ULLB, 3rd Floor  
Washington, D.C. 20536



File: SRC-98-065-50014

Office: Texas Service Center

Date:

JAN 11 2000

IN RE: Petitioner:  
Beneficiary:



Petition: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(L) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(15)(L)

**Public Copy**

IN BEHALF OF PETITIONER: SELF-REPRESENTED

Identifying data removed to  
prevent clearly unwarranted  
invasion of personal privacy

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,  
EXAMINATIONS

Terrance M. O'Reilly, Director  
Administrative Appeals Office

**DISCUSSION:** The nonimmigrant visa petition was denied by the Director, Texas Service Center, and is now before the Associate Commissioner for Examinations on appeal. The decision of the director will be withdrawn and the petition remanded for further consideration.

The petitioner provides training for the U.S. transportation industry. It seeks to employ the beneficiary temporarily in the United States as its vice president of operations.

The director found that the additional evidence requested by the Service was not submitted by the petitioner on the date required. Consequently, the director considered the petition abandoned and denied the petition. The director advised the petitioner that his decision was not appealable as a denial due to abandonment may not be appealed. 8 C.F.R. 103.2(b)(15). However, the director did advise that a motion to reopen in accordance with 8 C.F.R. 103.5(a)(2) could be filed by the petitioning entity.

The Associate Commissioner lacks jurisdiction over a motion to reopen. Any jurisdiction here rests with the director, Texas Service Center. 8 C.F.R. 103.5(a)(1)(ii). Therefore, this case will be remanded to the director for consideration of the material submitted by the petitioner, to determine whether it meets the requirement of a motion.

**ORDER:** The petition is remanded to the director in accordance with the foregoing.